

ORDINANCE NO. 12-48

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM LOW DENISTY RESIDENTIAL TO HIGH DENISTY RESIDENTIAL. **PROPERTY LOCATED AT 465 EAST 7 STREET, HIALEAH, FLORIDA**, ZONED R-1 (ONE-FAMILY DISTRICT); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board recommend approval of the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, at its meeting of April 4, 2012; and

WHEREAS, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 12-59 (May 8, 2012) that was submitted to the State Land Planning Agency for approval; and

WHEREAS, the State Land Planning Agency reviewed the proposed amendment pursuant to Florida Statutes Section 163.3184(3)(b) and identified no comment related to important state resources and facilities that will be adversely impacted by the amendment if adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Future Land Use Map is hereby amended from Low Density Residential to High Density Residential. Property located at 465 East 7 Street, Hialeah, Miami-Dade, Florida, zoned R-1 (One-Family District), and legally described as follows:

THE EAST 80 FEET OF TRACT ONE OF BOUGAINVILLEA PARK, REVISED PLAT OF LOTS 21, 22, 23, 24, 25, AND 26 OF BLOCK 2, ACCORDING O THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, AT PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FORMERLY KNOWN AS LOTS 25 AND 26 OF BLOCK 2, OF BOUGAINVILLEA PARK, IN ADDITION TO HIALEAH,

BOUGAINVILLEA PARK, IN ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, AT PAGE 140, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

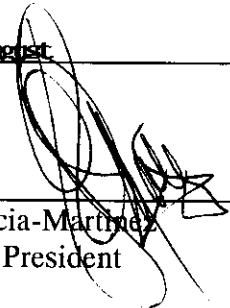
Section 5: Effective Date.

The effective date of this plan amendment shall be the date a final order is issued by the State Land Planning Agency finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the State Land Planning Agency issues an order of noncompliance, this

amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4120.

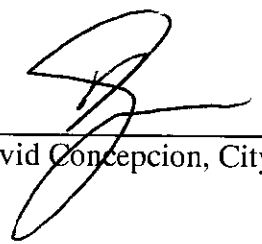
PASSED and ADOPTED this ~~28th~~ day of ~~August~~, 2012.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President


Attest:

Approved on this 6 day of September, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

RESOLUTION NO. 12-59

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL. **PROPERTY LOCATED AT 465 EAST 7 STREET, HIALEAH, FLORIDA.** ZONED R-1 (ONE-FAMILY DISTRICT), WHICH WAS PRESENTED TO THE CITY COUNCIL AT A SPECIAL MEETING ON MAY 8, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application requesting an amendment to the Future Land Use Map was presented to the City Council and was recommended for approval at the Planning and Zoning Board meeting of April 4, 2012, subject to approval by the state land planning agency or as otherwise provided in section 163.3184(3), Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: It is the intent of the City Council that the amendment to the Future Land Use Map, as set forth herein below, after appropriate comment and public hearing, shall be considered for approval from Low Density Residential to High Density Residential. Property located at 465 East 7 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One-Family District), and legally described as follows:

THE EAST 80 FEET OF TRACT ONE OF BOUGAINVILLEA PARK, REVISED PLAT OF LOTS 21, 22, 23, 24, 25, AND 26 OF BLOCK 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, AT PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FORMERLY KNOWN AS LOTS 25 AND 26 OF BLOCK 2, OF BOUGAINVILLEA PARK, IN ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, AT PAGE 140, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Effective Date.

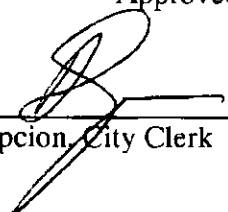
This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. This resolution shall be submitted to the state land planning agency, pursuant to Chapter 163, Part II, Florida Statutes, for review of completeness of the submittal and further comment, if applicable.

PASSED AND ADOPTED this 8th day of May, 2012.


Isis Garcia Martinez
Council President

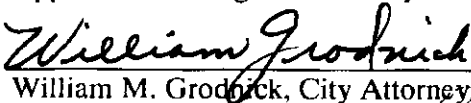
Attest:

Approved on this 9 day of May, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

SEE REGISTRATION 2012-RESOLUTIONS\465\East 7 Street-Induse.doc

Resolution was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Munoz, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes", Councilmember Cue-Fuente absent.